

## 1 Protected person's name:

Protected person's address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone # (optional): (\_\_\_\_\_) \_\_\_\_\_

Protected person's lawyer (*if any*): (*Name, address, phone #, and State Bar #*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Court name and street address:

Superior Court of California, County of \_\_\_\_\_

Case Number: \_\_\_\_\_

## 2 Restrained person's name:

Description of that person: Sex: ☐ M ☐ F Ht.: \_\_\_\_\_

Wt.: \_\_\_\_\_ Race: \_\_\_\_\_ Hair Color: \_\_\_\_\_

Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

## 3 List the full names of all family or household members protected by this order: \_\_\_\_\_

4 Court Hearing Date (*Fecha de la Audiencia*)

Court will fill in box below.

Hearing  
Date

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Name and address of court if different from above:

Dept.: \_\_\_\_\_ Rm.: \_\_\_\_\_

To the person in ②: At the hearing, the judge can make restraining orders that last for up to 3 years. The judge can also make other orders about money, children, and property. At the hearing, you can tell the judge if you do not want the orders against you. Even if you do not attend the hearing, you **must** obey the orders.

Para la persona nombrada en ②: En esta audiencia el juez puede hacer que la orden de restricción sea válida hasta un máximo de 3 años. El juez puede también hacer otras órdenes acerca de dinero, niños y propiedad. Si Usted se opone a estas órdenes, vaya a la audiencia y dígaselo al juez. Aunque no vaya a la audiencia, **tiene** que obedecer estas órdenes.

5 Temporary Orders (*Ordenes Temporales*)

Any orders made in this form end on the date and time of the court hearing in ④, unless a judge extends them. Read this form carefully. All checked boxes ☒ are court orders.

Todas las órdenes hechas en esta formulario terminarán en la fecha y hora de la audiencia en ④, al menos que un juez las extienda. Lea este formulario con cuidado. Todas las casillas marcadas ☒ son órdenes de la corte.

This is a Court Order.

Protected person's name: \_\_\_\_\_

Case Number: \_\_\_\_\_

Checked boxes ☒ are court orders.

**6 ☐ Personal Conduct Orders**

The person in ② must **not** do the following things to the protected people listed in ① and ③:

- a. ☐ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. ☐ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail
  - (1) ☐ Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
  - (2) ☐ Except for peaceful written contact through a process server or another person to serve legal papers

**7 ☐ Stay-Away Order**

The person in ② must stay at least \_\_\_\_\_ yards away from:

- a. ☐ The person listed in ①
- b. ☐ The people listed in ③
- c. ☐ Home ☐ Job ☐ Car of person in ①
- d. ☐ The children's school or child care
- e. ☐ Other (*specify*): \_\_\_\_\_

**8 ☐ Move-Out Order**

The person in ② must take only personal clothing and belongings needed until the hearing and move out immediately from (*address*): \_\_\_\_\_

**9 ☐ Child Custody and Visitation Order**

- a. ☐ You and the other parent must make an appointment for court mediation (*address and phone #*): \_\_\_\_\_
- b. ☐ Follow the orders listed in Form DV-140, which is attached.

**10 ☒ No Guns or Other Firearms**

The person in ② cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

**11 ☐ Turn In or Sell Guns or Firearms**

The person in ②:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 48 hours of receiving this order. But if the person in ② was at a hearing for this order, it must be done within 24 hours of the hearing.
- Must bring a receipt to the court within 72 hours of receiving this order, to prove that guns have been turned in or sold.

**12 ☐ Property Control**

Until the hearing, **only** the person in ① can use, control, and possess the following property and things:

\_\_\_\_\_

**This is a Court Order.**

Protected person's name: \_\_\_\_\_

**Checked boxes ☒ are court orders.****13 ☐ Property Restraint**

If the people in ① and ② are married to each other, they must not transfer, borrow against, sell, hide, or get rid of or destroy any property, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court.

**14 ☐ Record Unlawful Communications**

The person in ① can record communications made by the person in ② that violate the judge's orders.

**15 ☒ No Fee to Notify Restrained Person**

If local law enforcement can serve this order, they will do it for free.

**16 ☐ Other Orders (specify):** \_\_\_\_\_**17** If the judge makes a restraining order at the hearing, which has the same orders as in this form, the person in ② will get a copy of that order by mail at his or her last known address. (*Write restrained person's address here*): \_\_\_\_\_

If this address is not correct, or to know if the orders were made permanent, contact the court.

**18 ☐ Time for Service****A To: Person Asking for Order**

Someone 18 or over—**not you or the other protected people**—must personally “serve” a copy of this order to the restrained person at least \_\_\_\_\_ days before the hearing.

**B To: Person Served With Order**

If you want to respond in writing, someone 18 or over—**not you**—must “serve” Form DV-120 on the person in ①, then file it with the court at least \_\_\_\_\_ days before the hearing.

*For help with Service or Answering, read Form DV-210 or DV-540.*

Date: \_\_\_\_\_



\_\_\_\_\_  
*Judge (or Judicial Officer)*

**Certificate of Compliance With VAWA**

This temporary protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

**This is a Court Order.**

Protected person's name: \_\_\_\_\_

Case Number: \_\_\_\_\_

## Warnings and Notices to the Restrained Person in ②

### 19 If you do not obey this order, you can be arrested and charged with a crime.

- It is a felony to take or hide a child against this order. You can go to prison and/or pay a fine.
- If you travel to another state or to tribal lands, or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
- If you do not obey this order, you can go to prison and/or pay a fine.



### 20 You Cannot Have Guns or Firearms



**You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. If the orders are approved at the hearing listed on page 1, the court will order you to sell to a gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. If the orders are approved at the hearing, federal law says you cannot have guns or ammunition.**

### 21 After You Have Been Served With a Restraining Order

- Obey all the orders.
- If you want to respond, fill out Form DV-120. Take it to the court clerk with the forms listed in Item ②②.
- File DV-120 and have all papers served on the protected person by the date listed in Item ①⑧ of this form.
- At the hearing, tell the judge if you agree to or disagree with the orders requested.
- Even if you do not attend the hearing, the judge can make the restraining orders last for 3 years.

### 22 Child Custody, Visitation, and Support

- **Child Custody and Visitation:** If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing your side.
- **Child Support:** The judge can order child support based on the income of both parents. The judge can also have that support taken directly from your paycheck. Child support can be a lot of money, and usually you have to pay until the child is 18. File and serve a Financial Statement (FL-155) or an Income and Expense Declaration (FL-150) so the judge will have information about your finances. Otherwise, the court will make support orders without hearing your side.

**This is a Court Order.**

Protected person's name: \_\_\_\_\_

Case Number: \_\_\_\_\_

## Instructions for Law Enforcement

### 23 Start Date and End Date of Orders

The start date is the date next to the judge's signature on page 3. The orders end on the hearing date on page 1 or the hearing date on Form DV-125, if attached.

### 24 Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

### 25 Notice/Proof of Service

■ Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Fam. Code, § 6383.)

Consider the restrained person "served" (noticed) if:

- The officer sees a copy of the Proof of Service, or confirms that the Proof of Service is on file **or**
- The restrained person was at the restraining order hearing, or was informed of the order by an officer (Fam. Code, § 6383, Pen. Code, § 836(c)(2))

### 26 If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

### 27 Child Custody and Visitation

- Custody and visitation orders are on Form DV-140, Items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

### 28 Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, or on the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

### 29 Conflicting Orders

If a criminal restraining order (CR-160) conflicts with a civil restraining order (DV-110 or DV-130), enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the civil order. (Pen. Code, § 136.2(h).) Any nonconflicting terms of the civil restraining order remain in full force.

Clerk's Certificate  
[seal]

I certify that this Temporary Restraining Order is a true and correct copy of the original on file in the court. Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**